UNITED NATIONS **A S**

General Assembly
Security Council

Distr.
GENERAL

A/54/523
S/1999/1121
3 November 1999

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Fifty-fourth session
Agenda items 63 and 116
QUESTION OF CYPRUS
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Fifty-fourth year

Letter dated 2 November 1999 from the Permanent Representative of Cyprus to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I have the honour to refer to the situation of the enclaved Cypriots living in the occupied area of Cyprus and to draw attention to their continuing suffering and plight.

The violation of their human rights and instances of degrading treatment are documented in the annexed memorandum entitled "The living conditions of the enclaved Cypriots in the Turkish-occupied part of Cyprus".

I would like to recall the Vienna Humanitarian Agreement of 2 August 1975, reached under the auspices of the United Nations, by which the Turkish side agreed that the enclaved persons would be given every help to lead a normal life, including facilities for education and for the practice of their religion, as well as medical care by their own doctors and freedom of movement, and the humanitarian review carried out by the United Nations Peacekeeping Force in Cyprus (UNFICYP) in 1995, which included recommendations for the improvement of the living conditions of the enclaved persons. The Turkish side has failed to implement the Vienna Agreement and the recommendations of the UNFICYP humanitarian review and the deplorable situation of the enclaved population remains essentially unchanged.

In this regard I would like to draw particular attention to the most recent report of the European Commission of Human Rights, issued on 4 September 1999, which attests to this unacceptable situation and places heavy moral and legal blame on Turkey. The findings and conclusions of the Commission held, inter alia, Turkey directly responsible for the adverse living conditions of the enclaved people and concluded that these "amounted to degrading treatment" and "an affront to their human dignity".

Moreover, from the conclusions of the report of the European Commission of Human Rights it can be confirmed once again that, if the situation is not reversed, the Greek Cypriots and Maronites will be ethnically cleansed from the occupied area. As stated by the Secretary-General in his report of 7 June 1996 (S/1996/411 and Corr.1, para. 22):

> "The Greek Cypriots and Maronites living in the northern part of the island [are] subjected to severe restrictions and limitations in many basic freedoms, which [has] the effect of ensuring that, inexorably, with the passage of time, the communities [will] cease to exist."

Their diminishing number is indicated in the reports of the Secretary-General, having now reached a decline by 99.6 per cent, of the non-Turkish Cypriots in the occupied area since the time of the invasion.

In view of the above continuing situation, I would request you to take all the necessary steps to improve and to bring an end to the unacceptable living conditions of the Cypriots enclaved in the Turkish-occupied area of Cyprus, in full implementation of the Vienna Humanitarian Agreement of 2 August 1975 and the United Nations humanitarian review of 1995.

I should be grateful if you would circulate the present letter and its annex as a document of the General Assembly, under agenda items 63 and 116, and of the Security Council.

(Signed) Sotos ZACKHEOS
Ambassador
Permanent Representative

Annex

MEMORANDUM

The living conditions of the enclaved Cypriots in the Turkish-occupied part of Cyprus

The deplorable living conditions of the Cypriot enclaved is witnessed by a simple recounting of their numbers. In July 1974, the Greek Cypriot population of the area occupied by the Turkish army was 162,000 people. By the time the second phase of the Turkish invasion ended in August 1974, this number dropped to 20.000 (Report S/11488 of the UNSG to the Security Council dated 4 September 1974). In the next four months another 5,000 were forced to leave, resulting in a staggering reduction of the Greek Cypriot population of the occupied area by 91% ! (Report S/11568, par. 43, of 6 December 1974). The latest report of the Secretary-General to the Security Council shows that this number has diminished to 453 Greek Cypriots and 159 Maronites (S/1999/657, par. 9, June 8, 1999). In other words the non-Turkish Cypriot population in the occupied areas has dropped by 99.6% since the time of the invasion.

This takes place despite the existence of an agreement reached in Vienna on 2 August, 1975, by which the Turkish side would give them "every help to lead a normal life, including facilities for education and for the practice of their religion, as well as medical care by their own doctors and freedom of movement in the north". (Vienna III Agreement, par. 2).

In fact what happened in practice was the exercise of constant harassment against them, including personal attacks, limitation of movement, denial of access to adequate medical care, denial of adequate educational facilities, especially beyond the elementary school level, curtailment of their right to use and bequeath their immovable property and curtailment of their freedom of worship in their churches and monasteries.

In short, what was put in effect was a deliberate policy to force the enclaved to abandon the occupied area so that the last traces of Greek Cypriot presence in northern Cyprus would be eradicated.

A recent example indicating the total lack of personal security for the enclaved, is the tragic murder of a 69-year old Greek Cypriot, Stelios Kharpas, who was not only shot dead but his body was subsequently burned almost beyond recognition by the perpetrators of this crime who remain to this day unpunished.

The United Nations Peace Keeping Force, mindful of the plight of the enclaved, conducted a humanitarian review of the situation and made numerous recommendations for its amelioration, as reported by the Secretary-General to the Security Council (Report of 10 December, 1995, S/1995/1020, par. 24).

Some of the most important recommendations are as follows:

That all restrictions on land travel should be lifted, that access to the Apostolos Andreas Monastery should be unrestricted, that Greek Cypriots should be allowed to travel in their own cars, that they should be allowed to receive visitors from outside the occupied area, that children of the enclaved forced by the Turkish side to live in the government-controlled area for educational reasons should be allowed to visit their parents without hindrance, that they should be allowed to bequeath their property to their next of kin that they should be allowed to have secondary schools, that the constant presence of "police" in their lives should end, that they should have unrestricted access to telephones, that they should be allowed visits by Greek Cypriot doctors, that UNFICYP should be allowed unrestricted freedom of movement in the Karpas peninsula and liaison posts should be established.

Similarly, for Maronites UNFICYP recommended the lifting of all restrictions on their freedom of movement, the establishment of a medical centre for Maronites, the provision of private telephone services, a free and unescorted UNFICYP access, improvement of water supply to their villages and improved access to their holy places (Report S/1995/1020, Par. 25).

Since the UN humanitarian review, minor improvements have been affected by the Turkish side, however, the deplorable situation remains essentially unchanged.

This conclusion is fully in accord with the findings of the European Commission of Human Rights which examined the plight of the enclaved as part of the Fourth Interstate Application of Cyprus against Turkey, as contained in its Report published on 4th September 1999. Characteristically, the Commission found that:

"taken as a whole, the daily life of the Greek Cypriots in northern Cyprus is characterized by multitude of adverse circumstances. The absence of normal means of communication, the unavailability in practice of the Greek Cypriot press, the insufficient number of priests, the difficult choice before which parents and schoolchildren are put regarding secondary education, the restrictions and formalities applied to freedom of movement, the impossibility to preserve property rights upon departure or death and the various other restrictions create a feeling among the persons concerned of being compelled to live in a hostile environment in which it is hardly possible to lead a normal private and family life. As these adverse circumstances in the living conditions are to a large extent the direct result of the official policy conducted by the respondent Government and its subordinate local administration, they constitute factors by which the above interference with the rights of the enclaved Greek Cypriots under Article 8 of the Convention are aggravated"(par. 489).

Furthermore the Commission found that this multitude of adversities which constitute aggravated interference with their right to respect for their private and family life and for their home, were discriminatory practices specifically directed at Greek Cypriots and to almost the same degree to Maronites, because of their ethnic origin race and religion. This discrimination, the Commission concluded, "amount(s) to degrading treatment" (par. 499).

The extent to which these interference with the normal life of the enclaved occur, coupled with their severity, justifies the conclusion of the Report that they are "an affront to their human dignity" (par. 498).

Beyond documenting discrimination amounting to degrading treatment, the Commission also found interference with their freedom of religion, violation of their right to free expression arising out of the fact that schoolbooks for elementary schools are subject to excessive censorship, violation of Article 2 of Protocol 1 because of the denial of secondary school education to the children of the enclaved and a continuing violation of their right to peaceful enjoyment of their possessions arising out of the practice of the Turkish Cypriot "authorities" to take over possession of the property of all enclaved who leave from the occupied area or who die.

In conclusion, the plight of the enclave Cypriots, both Greek and Maronite continues unabated despite the protestations and pleadings of the Cyprus government for the enforcement of the Humanitarian Vienna III Agreement.

The fresh evidence, provided by the Report of the European Commission of Human Rights, which presents unassailable proof of Turkey's culpability, should spark further action for the amelioration of the unacceptable living conditions of the Cypriots enclaved in the Turkish-occupied northern part of Cyprus.

The continuing affront to their human dignity, as the Commission found, is an affront on the human dignity of all people and the means must be found to put an end to it, at long last.

2 November 1999